

Wheeler v. Gidley, et al. 04-CV-227-SM 08/29/05  
UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Michael Wheeler and  
Hampton Harbor Boatworks,  
Plaintiffs

v.

Civil No. 04-cv-227-SM  
Opinion No. 2005 DNH 122

Daniel J. Gidley and  
Town of Hampton,  
Defendants

**O R D E R**

This case, removed from the New Hampshire Superior Court, arises out of the arrest and prosecution of Michael Wheeler, president of Hampton Harbor Boatworks, on charges of receiving stolen property. Wheeler has asserted a claim against Daniel Gidley of the Hampton Police Department,<sup>1</sup> under 42 U.S.C. § 1983 (Count II), along with state claims of malicious prosecution (Count I), intentional infliction of emotional distress (Count III), negligence (Count IV), defamation (Count V), invasion of privacy (Count VI), and a request for enhanced compensatory

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<sup>1</sup> Gidley now serves as a Lieutenant in the Hampton Police Department, but because he was serving as a detective while performing the activities that gave rise to this suit, he will be referred to as Detective Gidley.